

**TOWN OF ROCKY HILL
OPEN SPACE AND CONSERVATION COMMISSION
MEETING OF OCTOBER 8, 2014**

1. CALL TO ORDER

Chairman Ed Charamut called the Wednesday, October 8, 2014 meeting to order at 6:01 p.m. in the Town Council Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut, 06067.

Present: Ed Charamut, Chairman
 Craig Riedinger, Vice Chairman
 Sandra Kelly, Secretary
 David Schweitzer, Commissioner
 Larry Lindenberger, Commissioner

Alternates: Christopher Duff (arrives at 6:14 p.m.)
 Michelle Zak
 Rachelle Leone

Also: Bob Alvarado, Engineering Dept.
 Eileen A. Knapp, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. SHOW CAUSE HEARING (Continuation)

A. ADC Enterprises – Violation at 45 Evans Road

The Owner of 45 Evans Road was not present. Mr. Alvarado said Mr. Chiulli did call and e-mail him asking that the show cause hearing be recessed until the November meeting. His consultant has not been able to complete the report on the restoration work on the banks of the River. Mr. Chiulli did submit an estimate from a local nursery on trees and shrubs that could be planted on the slope. Since the last meeting, **Kelly Starr, Natural Resource Specialist** of the Connecticut River Coastal Conservation District did visit the site and the comments and recommendations she made in her previous report have not changed. She is asking that Mr. Chiulli hire an expert to evaluate the bank and report to this Commission how best to restore it.

A MOTION was made by Vice Chairman Riedinger to table the Show Cause Hearing for ADC Enterprises – Violation at 45 Evans Road. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

4. ACTION ON SHOW CAUSE HEARINGS

A. ADC Enterprises – Violation at 45 Evans Road

A MOTION was made by Vice Chairman Riedinger to table the Action taking on the Show Cause Hearing for ADC Enterprises – Violation at 45 Evans Road. Seconded by Commissioner Zak. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. PUBLIC

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy 35 Cold Spring Road asked that the Commission add to the Agenda, Possible Modification of Permit #527 Town Center West. The Applicant may need to make changes to their sewer system as a result of their work with the MDC.

A MOTION was made by Vice Chairman Riedinger to add to the agenda Modification to Permit 527, Town Center West, as Item 8 a., moving the other items for discussion down on the Agenda. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

Mr. Jim Zagroba of 263 Meadow Road addressed the Commission. He was not at the last meeting but he took issue with some of the comments made at the last meeting. It was stated incorrectly, he feels, that there was no erosion taking place at 263 Meadow Road.

(Commissioner Duff arrives at 6:14 p.m.)

Mr. Zagroba presented copies of a portion of the minutes from a November 2007 meeting that included a Friendly Amendment requiring that the property at 263 Meadow Road be monitored for erosion. He wonders who was supposed to do that monitoring. It was his understanding that the Town Staff should have been doing the monitoring. Unfortunately Mr. Zagroba did not have a complete set of the minutes and the Commission said they would like to more information. They decided to wait until the next meeting, when a full set of minutes/working notes could be provided to the Commission. Mr. Zagroba said he met with employees at the Office of Long Island Sound and they believed erosion had taken place and suggested that Mr. Zagroba should seek remedy from the Town. Chairman Charamut said they would add this item to next month's Agenda.

Ms. Krista Mariner of 58 Farms Village Road said a memo was mentioned regarding the comments made about erosion at last month's meeting and she asked if copies of this memo would be available to the public. Mr. Alvarado said anything submitted at the last meeting is part of the public record and anyone can look at it.

6. APPLICATION FOR A PERMIT

A. Greg Lichatz-Sediment retention structure and boulder placement at 273 Meadow Road;

Mr. Greg Lichatz of 273 Meadow Road addressed the Commission. He said the reason he requested a permit from the DEEP was due to the erosion on the bank. He received a permit to place boulders on his bank but they ended up putting in more boulders than what was permitted. He feels the additional rocks not only work better with the high waters but that they also look good where they are. He didn't realize that the additional rocks were not in the DEEP's jurisdiction, but in the Town's jurisdiction. Mr. Lichatz said he also put in rocks on the south side of his property to prevent children from running on the adjacent property, although he admitted he did not have a permit to do this. If the Commission wants them removed, he said he would do that.

Mr. Alvarado said he has a copy of the Consent Order issued by the Kevin Savoy of the DEEP telling the Town that the DEEP is taking enforcement action related to work done at 273 Meadow Road. The Consent Order said that they will allow Mr. Lichatz to leave the rocks as they are but he will have to pay any fees or fines related to the violation. At the last meeting the Commission asked Mr. Alvarado to look at the area to see if there is any erosion or impacts upstream or downstream from the area where the work was done. He will be looking at aerial maps to see if there have been any significant changes. He noted that there is always going to be erosion occurring in flood plain areas.

Commissioner Kelly asked how the addition of these rocks would cause additional erosion. It seems like they would be stabilizing the banks. Mr. Alvarado said the addition of the rocks could deflect the current and cause erosion on another property. Commissioner Kelly wondered if a homeowner is allowed to protect their own property if there is the possibility that it might cause erosion on another property. Mr. Alvarado said the DEEP doesn't see any issue with these rocks being placed and will allow them to remain if the owner gets the proper local permits and pays any penalties.

Commissioner Duff asked if they could get a professional opinion from someone at the CRCCD as whether or not this work would contribute to additional erosion of abutting properties. Mr. Alvarado said he doesn't think the CRCCD has that type of expert available. Mr. Lichatz said there isn't an impact to 263 Meadow Road because that property jets out further than his. If the Commission wants him to remove the additional rocks, from the waterline up, he will do that. Mr. Alvarado said what should have happened before placing the rocks, is Mr. Lichatz should have delineated the 3.4 elevation level so he knew where to place the rocks.

Commissioner Lindenberger said he believes the rocks should be left where they are. The DEEP has jurisdiction over anything that may change the course of the river and they have agreed that the rocks can remain. He thinks they should allow the boulders to be left where they are. The other Commissioners agreed that the boulders should be left where they are. Commissioner Duff said he would hope Mr. Lichatz would get a permit prior to doing any work in the future.

Commissioner Lindenberger said they have been through this with Mr. Lichatz before. This is not the first time he has done work along the river without getting a permit.

Mr. Zagroba addressed the Commission saying that Mr. Lichatz is making misrepresentations. He said his property does not extend out further than Mr. Lichatz's property except for a little peninsula. If Mr. Lichatz is going to make any accusations, he should have proof first. He said the permit Mr. Lichatz received was for a line of boulders, no bigger than 3' at the toe of the slope. What he did instead is build up the slope and along the property line. The addition of these rocks causes a scouring effect on properties to the south of where the work was done. He said he would like permission to lay down some soil to re-establish his bank.

A MOTION was made by Commissioner Lindenberger to approve the Application for a Permit, Greg Lichatz-Sediment retention structure and boulder placement at 273 Meadow Road, with the understanding that no more work is to be done without obtaining a permit in advance. Seconded by Commissioner Schweitzer. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. MINUTES/WORKING NOTES

A MOTION was made by Vice Chairman Riedinger to approve the minutes and working notes from September 10, 2014 with changes. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

8. DISCUSSION

A. Modification of Permit – Town Center West

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy addressed the Commission and handed out a map showing the issue he is discussing this evening. After conversations with the MDC they may need to have an alternate plan for the sewer lines for this project. The property has been cleared and they have received the majority of approvals from the State Traffic Commission and they are in the process of filing with the MDC. They have now decided to make the sewer system a public system instead of private. The sewer line was supposed to cross Cromwell Avenue where they would remove the existing line and put in a new main sewer line in its place. They recently found that there is an existing water main that may be in the way and they would need to go under the water main instead of over it. This could be a very complicated and cumbersome procedure, so Mr. Cassidy said he is considering an alternate plan which involves running the sewer line down the east side of the roadway instead. This would cause an additional disturbance in the 100' upland review area of about 1,424 sq. ft. They are asking for a modification to their permit to allow for this possible additional disturbance for the installation of the sewer manhole. Part of the installation would include replacing an existing 12" rcp line, redirecting the flow and putting a riprap plunge pool in at the outlet. This would increase the amount of activity in the upland review area.

Commissioner Comments/Questions

Chairman Charamut asked if the revised plan still results in a net reduction of disturbance from the original plan that was submitted for this project. Mr. Cassidy said there would still be a bit of a reduction from the plan that included the big box store.

Vice Chairman Riedinger asked if the manhole being proposed in the upland review area is going to be sticking out of the ground. Mr. Cassidy said the back half may stick out a bit. Mr. Alvarado said the Commission is allowed to grant a permit for an alternative option that may or may not be used.

Commissioner Duff asked if there would be any change to the performance of the sewer system with the proposed alteration. Mr. Cassidy said he believes the drainage will improve.

Commissioner Schweitzer said he thinks the plunge pool could be made smaller.

Commissioner Lindenberger said he would like to see additional sedimentation and erosion controls in the area where they are proposing to work. He asked what they have in mind as far as a restoration program for the bank after the work is completed. Mr. Cassidy said they would reseed it with an appropriate seed mix approved by the State.

A MOTION was made by Vice Chairman Riedinger to approve the Modification of Permit # 527 Town Center West, adding an Option B as presented this evening if so required by the MDC. Seconded by Commissioner Kelly.

A FRIENDLY AMENDMENT was made by Commissioner Schweitzer that the Applicant reduces the size of the plunge pool as much as possible. Seconded by Commissioner Zak. Accepted by the Commission.

All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Status Report-Variou Projects

Attorney Michael Romano of 41 New Britain Avenue, Rocky Hill addressed the Commission to give a status report on the Foundry project and the Town Center West Project.

Foundry: The vines have been removed, providing a clearer view of the river and the Arborist, Jason Luby, will soon begin to clear the trees that were approved for removal. They have selected an environmental company to do the Remedial Action Plan for the project. Mr. Ed Pawlak monitored the site and found no nesting or roosting of eagles on the site. The Applicant did speak with the Environmental Consultants about complying with the Transfer Act. Drainage calculations have been submitted by Mr. Jim Cassidy. The Town has indicated that they would like to take ownership of the park, although that use is currently not permitted in this zone. Atty. Romano said they continue to work with the DOT for approvals to reconfigure the intersection at Glastonbury Avenue and for the crossing of the train tracks. A Cultural Resource Reconnaissance was done on the site and State Archeologist Dr. Nick Bellantoni gave his

opinion that this construction will have no effect on the State's archeological resources. Atty. Romano said they have hired a Geotechnical Engineer to make sure the foundations are deep enough to maintain the appropriate slope ratings.

Asbestos testing was done on the auto repair facility and a little asbestos was found in the kitchen, carpeting and basement. The silos were also tested and no asbestos was found in the concrete. **Mr. Thomas Gurtel of Riverfront Future Partners** said they did 7-8 core borings of the silos at heights they could reach but they plan to do more testing higher up on the silos. The silos must come down before a certificate of occupancy can be issued.

Town Center West: This project has two components; the residential use and the commercial/retail uses. Right now all that has been done is the tree clearing. The stumps still need to be removed but work is moving right along.

Commissioner Duff asked if a walkway along Route 3 is still part of the Town Center West project. Mr. Cassidy said the Commission wasn't in favor of the disturbance to the upland review area so instead they are filling in the gaps in the sidewalks on the westerly side of Route 3. Commissioner Duff asked if the construction sequence at the Foundry has changed and whether or not there will be additional testing on the concrete silos. Atty. Romano said the construction sequence has not changed. Also, because the core samples came out clean, they are confident in the results for the entire silo although there may be additional testing.

Commissioner Schweitzer asked if there would be any dust control measures in place as they crushed the concrete. Mr. Gurtel said they would be using dust control measures.

Old Main Street Bridge: Mr. Alvarado said there is a crane at the site and they are awaiting the arrival of the pre-cast pieces of the bridge. Assembly will take about 2 days and they expect the roadway to reopen before Thanksgiving.

Brookwood Village: Work on the retaining wall has begun. Work is moving along slowly due to the wet weather. They will have to utilize heavy duty erosion control measures until the spring. Work may take up to two months to complete.

C. Open Space

No report.

D. Legislation

None.

E. Conferences

None.

9. CORRESPONDENCE, COMMUNICATIONS

None.

10. OTHER BUSINESS

Commissioner Duff said he finished the draft letter regarding the POCD update. It was sent to the other Commissioners and comments were received. Commissioner Duff said he will incorporate the comments and send the letter to Mr. Alvarado to be forwarded on to Mr. Chalder.

11. ADJOURN

A MOTION was made by Vice Chairman Riedinger to adjourn. Seconded by Commission Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary